

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
2018 Quadrennial Regulatory Review –)	
Review of the Commission’s Broadcast)	MB Docket No. 18-349
Ownership Rules and Other Rules Adopted)	
Pursuant to Section 202 of the)	
Telecommunications Act of 1996)	

SUPPLEMENTAL COMMENTS OF IHEARTCOMMUNICATIONS, INC.

September 2, 2021

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I. INTRODUCTION AND SUMMARY

iHeartCommunications, Inc. (“iHeartMedia or iHeart”) respectfully submits these Supplemental Comments in response to the Federal Communications Commission’s June 4, 2021 Public Notice, requesting commenters to refresh the record in the 2018 Quadrennial Review.¹

In its Comments² and Reply Comments³ in this proceeding, iHeart requested that the Commission eliminate the local common ownership restrictions on AM radio stations within a market but retain the current limitations on FM radio stations. The starting point for iHeart’s analysis was that the relevant market was broadcast radio because of its unique characteristics: free to the consumer; local; especially trusted by listeners, particularly in emergencies; and not substitutable with other audio services from an advertising perspective. Within the broadcast radio market, iHeart documented the growing and distressing competitive disadvantage of AM

¹ Public Notice in MB 18-349 (June 4, 2021) (“Public Notice”); See also, 2018 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, MB Docket No. 18-349, Notice of Proposed Rulemaking, 33 FCC Rcd 12111 (2018) (“NPRM”).

² Comments of iHeartCommunications in MB 18-349 (April 29, 2019) (“iHeart Comments”).

³ Reply Comments of iHeartCommunications in MB 18-349 (May 29, 2019) (“iHeart Reply Comments”).

stations relative to FM radio stations, a problem with significant, negative public interest implications in light of the integral role played by AM stations in our national security communications infrastructure and the outsized place of AM stations as trusted sources of local news and information. In that light, iHeart opposed the overly aggressive deregulatory proposal of the National Association of Broadcasters (NAB)⁴ because its adoption by the Commission would harm the AM band, as resources and capital would migrate predictably from AM ownership to facilitate greater FM ownership opportunities, as well as undermine the financial incentives indispensable to the success of the diversity incubator program established by the Commission in 2018. iHeart reiterated its long-time support for the Incubator Program and the importance of giving it a meaningful opportunity to work.

Legal developments subsequent to the closing of the original comment period in this proceeding have strengthened significantly the bases for iHeart’s earlier advocacy. The twisting course of the litigation challenging the Commission’s 2010/2014 Quadrennial Reviews has left the regulatory landscape as it was when the Commission received comments and reply comments. Importantly, however, there has not been a meaningful opportunity to ascertain the impact on the marketplace of either the substantial deregulation effectuated by the Commission’s November 2017 Order on Reconsideration⁵ or its August 2018 Order establishing the Incubator Program.⁶ The Supreme Court decision reversing the Third Circuit reaffirmed the Commission’s reasonable exercise of its authority in applying the broad public interest standard governing

⁴ Letter from Rick Kaplan et al., Legal and Regulatory Affairs, NAB, to Michelle Carey, Chief, Media Bureau, FCC (June 15, 2018) (“NAB proposal”).

⁵ Quadrennial Regulatory Review—Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 et al., Order on Reconsideration and Notice of Proposed Rulemaking, 32 FCC Rcd 9802 (2017) (“Reconsideration Order”).

⁶ Rules and Policies to Promote New Entry and Ownership Diversity in the Broadcasting Services, MB Docket No. 17-289, 33 FCC Rcd 7911 (2018) (“Incubator Program” or “Incubator Order”).

Quadrennial Reviews, implicitly rejecting the argument that competition should be the predominant criterion for determining whether to retain, modify or repeal broadcast regulations.

The antitrust actions against Facebook and Google filed by the FTC and the Department of Justice, joined by the vast majority of State Attorneys General, also have significant implications for this proceeding.⁷ In the complaints in these cases, the federal government and the states have been explicit in arguing that the relevant advertising markets for the Big Tech companies are separate and distinct from the television and radio broadcast advertising markets and that broadcast radio and television are not substitutable for the social media and search services and related advertising markets of Facebook and Google. Thus, the federal and state governments have taken the same position utilizing the same analytical framework regarding the relevant market as iHeart has advanced in this proceeding.

Finally, on July 9, 2021, President Biden signed an “Executive Order on Promoting Competition in the American Economy,”⁸ reflecting the Administration’s view that excessive market concentration is harmful to competition. Of particular relevance to the instant proceeding, the Executive Order encouraged agency heads to pay particular attention to the influence of regulations on concentration in industries within their jurisdiction. Adoption of the NAB’s proposal would be inconsistent with the thrust of the Executive Order on Competition.

While these legal developments are directly relevant to this proceeding, the seismic events that have challenged our nation in the past two years also have a bearing on its outcome. The COVID-19 pandemic, the pervasiveness of misinformation and disinformation on social

⁷ FTC v. Facebook, 20-cv-03590 (D.D.C.), filed December 11, 2020, first amended complaint filed August 19, 2021 (“FTC v. Facebook”); United States v. Google, 20-cv-03010, (D.D.C.), filed October 20, 2020 (“United States v. Google”).

⁸ The White House, *Executive Order on Promoting Competition in the American Economy* (July 9, 2021) <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/07/09/executive-order-on-promoting-competition-in-the-american-economy/> (“Executive Order”).

media and hundreds of Internet websites and its disruptive effect on our political processes, and a reawakening about the role race plays in our society following the murder of George Floyd, have underscored the critically important role broadcast radio plays in our country's life. Consistent with the examples highlighted in iHeart's Comments, empirical listening data during the past two years continued to demonstrate that people tune to their local radio stations, especially AM stations, in times of heightened concern, both with respect to local, natural or human-caused disasters and at moments of acute national crisis. Broadcast radio has been an indispensable source of official and factual information about the COVID-19 pandemic, including how best to avoid infection, where to get tested, local and regional infection rates, hospital capacity, and the importance, efficacy and availability of vaccines.

Regarding the reexamination of the role of race in American society, iHeart launched the Black Information Network (BIN) in 2020, a 24/7 comprehensive, national, audio Black news service dedicated to providing a trusted source of continual news coverage with a Black voice and perspective. iHeart already has repurposed more than thirty local stations serving large Black populations, the majority of which are AM stations, to be additive to – but not directly compete with – existing Black-owned radio stations. We continue to support the FCC's Incubator Program, believing that it should be afforded a meaningful opportunity to succeed in enhancing ownership of broadcast properties by women and minorities, an outcome that would be at risk were FM ownership limits to be relaxed or eliminated.

In light of the increased centrality of broadcast radio to our national information and communications infrastructure, sustaining its economic viability, particularly the more financially vulnerable AM band, should be of paramount concern to the FCC. Whether measured by numbers of stations on air, audience listening or advertising revenue, broadcast radio has suffered from the broader economic fallout of the COVID-19 pandemic. On the other hand, there

are promising signs that broadcast radio will rebound, including the broader economic recovery, portending increased advertising, and dramatically increased driving in recent months, likely translating into greater audience listening. It is premature, however, to predict the extent and contours of that recovery, and it is too soon to have reliable, empirical, economic data upon which the Commission could make predictive judgments.

The net effect of these developments is that the positions taken by iHeart in its Comments and Reply Comments ring as true today – indeed, more so – as when we conveyed them to the Commission more than two years ago. Accordingly, the Commission should adopt a targeted, moderate approach to reforming the local radio ownership rules by eliminating only the limits on AM stations while retaining the current limits on FM stations. Doing so will avoid the potentially catastrophic harm that could befall AM stations were the Commission to adopt the NAB proposal to deregulate substantially the FM band. Moreover, by maintaining the current FM subcap limits, the Commission will ensure that the financial incentives essential to the success of the Incubator Program remain in place. The Commission should be guided by the overarching principle of doing no harm.

II. LEGAL DEVELOPMENTS SUPPORT RETAINING THE CURRENT OWNERSHIP LIMITS ON FM RADIO STATIONS AND GIVING THE INCUBATOR PROGRAM AN OPPORTUNITY TO WORK

A. Judicial Review of the 2014 Quadrennial Review Has Not Given the Commission a Meaningful Opportunity to Assess the Impact of the Reconsideration Order or the Order Establishing the Incubator Program.

The Commission released its Order on Reconsideration in the 2014 Quadrennial Review on November 20, 2017, and it became effective on February 7, 2018.⁹ The Reconsideration Order repealed the Newspaper-Broadcast Cross-Ownership and Television-Radio Cross-

⁹ 43 FR 733 (Feb. 7, 2018).

Ownership rules, thereby clearing the way for mergers and acquisitions that would enable common ownership in the same market of newspapers and broadcast stations, be they television stations or AM or FM radio stations, and also permit common ownership of television and radio stations in the same market, subject to the local radio and television common ownership rules.

These deregulatory rules changes were in effect for less than 22 months before they were vacated by the United States Court of Appeals for the Third Circuit in Prometheus Radio Project v. FCC, 939 F.3d 567 (3rd Cir. 2019). Following the Supreme Court decision reversing the Third Circuit, the Commission reinstated these rules effective only slightly more than two months ago.¹⁰ This brief period is insufficient to permit a reasoned evaluation of the impact of these rules changes upon marketplace behavior. Indeed, cross-ownership of radio stations by either newspapers or television stations was not discussed in the FCC's approval of the major broadcast transactions during this period. Both Nextstar's acquisition of Tribune in September 2019,¹¹ and the merger of Gray Television and Raycom Media in December 2018,¹² raised significant questions only regarding the local television ownership rules. Given the time necessary to plan and complete mergers and acquisitions of this type, the paucity of precedent involving the effect of repeal of these rules is not surprising.

The Commission's decision repealing the Newspaper-Broadcast Cross-Ownership rule offered no guidance regarding the Commission's expectation about its likely impact on competition in the broadcast radio market. However, in supporting its decision to repeal the Television-Radio Cross-Ownership rule, the Commission relied upon retention of the local

¹⁰ 86 FR 34627 (June 30, 2021).

¹¹ In the Matter of Applications of Tribune Media Company (Transferor) and Nexstar Media Group, Inc (Transferee) For Transfer of Control of Tribune Media Company to Nexstar Media Group, Inc., and Assignment of Certain Broadcast License and transfer of Control of Certain Entities Holding Broadcast Licenses, MB Docket No. 19-30 (September 16, 2019).

¹² In the Matter of Applications for Consent to Transfer Control of Certain License Subsidiaries of Raycom Media, Inc., to Gray Television, Inc., MB Docket No. 18-230 (December 20, 2018).

television and local radio ownership rules “to prevent an undue concentration of broadcast facilities, thereby preserving opportunities for diverse local ownership...”¹³ As iHeart noted in its Comments in this proceeding,¹⁴ adoption of the NAB proposal would undermine that safeguard.

The period for assessing the impact of establishing the Incubator Program is even shorter. Although the FCC released the Report and Order creating the Incubator Program on August 3, 2018, it did not receive OMB approval required for the rules to become effective until June 10, 2019, more than ten months later.¹⁵ The Third Circuit decision vacated those rules less than six months after that, on November 29, 2019. The Incubator Program rules were reinstated by the Commission just a little more than two months ago.¹⁶ As a consequence, no applications for the Incubator program have been filed as yet. Thus, there are no examples to ascertain how the Incubator Program is working.

The stop and restart progression of these rules changes means that there is a lack of empirical data necessary to both: (1) enable the Commission to determine the likely impact upon competition in the broadcast radio market of repeal of the cross-ownership rules; and (2) ascertain whether the Incubator Program has a reasonable likelihood of achieving its objectives. Under these circumstances, it would be prudent for the Commission to not make the dramatic changes to the local radio ownership rules advocated by the NAB.

¹³ Reconsideration Order at Para. 62 and n.193.

¹⁴ iHeart Comments at 6-7.

¹⁵ Broadcast Incubator Program Approved by OMB Pursuant to Paperwork Reduction Act, DA 19-546 (June 10, 2019).

¹⁶ See, n.10, *supra*.

B. The Supreme Court Decision in the 2014 Quadrennial Review Affirms the Commission’s Broad Authority in Making Determinations Implementing the Statutory Mandate of Section 202(h) of the Telecommunications Act of 1996.

On April 1, 2021, in FCC v. Prometheus Radio, 592 U.S. ____ (2021), the United States Supreme Court reversed the decision of the United States Court of Appeals for the Third Circuit.¹⁷ The substantive effect of this decision was to allow the Commission to revise its rules to reflect the Reconsideration Order and the Order establishing the Incubator Program that only became effective (again) on June 30, 2021. In upholding the Commission’s actions, the Court concluded that “the FCC’s 2017 order was reasonable and reasonably explained for purposes of the APA’s deferential arbitrary-and-capricious standard.”¹⁸ The Court elaborated: “Judicial review under that standard is deferential, and a court may not substitute its own policy judgment for that of the agency. A court simply ensures that the agency has acted within a zone of reasonableness and, in particular, has reasonably considered the relevant issues and reasonably explained its decision.”¹⁹ Applying this standard, the Court concluded that the FCC did all that was required of it, based on the record before it, to determine whether the repeal of the cross-ownership rules would negatively affect minority and female ownership of broadcast properties.

In addition to establishing this standard of judicial review for Quadrennial Reviews, the Court reaffirmed the broad authority of the Commission in these proceedings: “The Federal Communications Commission possesses broad statutory authority to regulate broadcast media ‘as public convenience, interest, or necessity requires’ ... The FCC has long explained that the ownership rules seek to promote competition, localism, and viewpoint diversity by ensuring that

¹⁷ Prometheus Radio Project v. FCC, 939 F.3d 567 (3rd Cir.2019).

¹⁸ FCC v. Prometheus Radio Project, 592 U.S.141 ____, Case Nos. 19-1231 and 19-1241, Slip Op. at 2 (April 1, 2021).

¹⁹ *Id.* at 7-8.

a small number of parties do not dominate a particular media market.”²⁰ The Court implicitly declined an invitation to rest its decision primarily on the criterion of competition. In short, the Supreme Court has reaffirmed the Commission’s historical methods of analyzing the radio broadcast market in determining whether to retain, modify or repeal the local radio ownership rules and the Incubator Program.

iHeart’s Comments and Reply Comments in this proceeding, incorporated herein by reference, and updated in these Supplemental Comments, provide abundant record evidence that it would *not* serve the public interest for the Commission to adopt the NAB’s proposal to relax dramatically the FM radio ownership limits in the top 75 markets and eliminate them entirely in the remaining markets.

C. The Antitrust Actions Brought By the United States Against Google and Facebook in 2020 Strongly Support iHeart’s Position that the Broadcast Radio Market is the Relevant Market to be Considered in Determining the Appropriate Local Radio Ownership Limits In This Quadrennial Review

In its Comments and Reply Comments, iHeart explained in great detail why the relevant market for determining whether to retain, modify or repeal the local broadcast radio rules is the local radio market.²¹ The core of iHeart’s position was, and continues to be, that non-broadcast audio media are not substitutable for radio by virtue of broadcast radio’s unique characteristics of being free to the consumer, locally-focused, providing a unique listening experience facilitating community engagement, and measured by both audience reach and quantitative analysis of audience listening. Moreover, iHeart took issue with the NAB’s view that broadcast radio competes with non-audio media, including the giant tech companies, in a vast advertising market that should be considered the relevant market. Instead, iHeart explained in detail the differences

²⁰ Id. at 2-3.

²¹ iHeart Comments at 8-13; iHeart Reply Comments at 6-13.

between advertising on broadcast stations and advertising on social media or search platforms and therefore why broadcast radio advertising is complementary to, and not substitutable for, other digital media.

Subsequent to the closing of the original comment period in this proceeding, the United States, joined by the vast majority of State Attorneys General, filed antitrust actions against both Google and Facebook. Significantly for this proceeding, the complaints in these cases emphasized that broadcast radio and television advertising, forms of display advertising, were separate and distinct from the advertising offered by Google and Facebook, which relies on a vast trove of personal data gathered from users to target individual consumers closet to the point of purchase. The government's position provides concrete and specific support for iHeart's views on this critical issue of the relevant market.

In United States v. Google, the complaint maintains that search advertising and general search text advertising are the relevant markets in which to assess Google's allegedly anticompetitive behavior. The complaint states: "The ability of search ads to respond to consumer inquiries, at the moment a consumer is investigating a subject relevant to an advertiser's product or service, makes these ads highly valuable to advertisers and distinguishes them from other types of advertising that cannot be similarly targeted, whether online or offline."²² The Complaint continues: "Other forms of advertising are not reasonably substitutable for search ads. For example, 'offline' ads such as newspaper, billboard, TV and radio cannot be targeted at a specific consumer based on the consumer's self-disclosed real time interests."²³

In FTC v. Facebook, the United States, through the FTC, adopted a similar view of the relevant advertising market: "Social advertising is distinct from other forms of display

²² United States v. Google at Para. 98.

²³ Id. at Para. 99.

advertising, search advertising, and ‘offline’ advertising (e.g. television, radio and print).”²⁴ The FTC further explained: “display advertising is distinct from offline advertising, such as TV, radio and print advertising, because it offers the ability to reach consumers during their online activity (including during their use of mobile devices like smartphones and tablets), allows for interactive ads, and permits rich ad targeting to users using personal data generated and collected through their online activity.”²⁵

The position taken by the federal government and the states in these antitrust actions is diametrically opposed to the market definition advocated by the NAB in this proceeding. The NAB views search and social advertising as directly competitive with radio advertising and other forms of advertising and therefore should be included in the definition of the relevant market.²⁶ The NAB’s market definition is central to its advocacy for dramatically relaxed local radio ownership limits on FM stations based on the theory that increased scale will enable radio to compete more effectively with online media for advertising dollars. The Commission cannot accept the NAB’s concept of relevant market definition without raising serious questions about an issue central to the antitrust actions that the United States and the states have initiated against Google and Facebook.

D. iHeart’s Modest Local Radio Ownership Proposal Aligns With the President’s Executive Order on Promoting Competition in the American Economy

On July 9, 2021, President Biden signed an “Executive Order on Promoting Competition in the American Economy,” the very first paragraph of which states that excessive market concentration is harmful to competition.²⁷ Section 1 of the Executive Order, setting forth the

²⁴ FTC v. Facebook, first amended complaint at Para. 48.

²⁵ Id. at Para. 49.

²⁶ See, Comments of the National Association of Broadcasters in this proceeding (NAB Comments) at 23 and the attached BIA Study at 10-12.

²⁷ Executive Order at 1.

broad policy, specifically identifies the information technology sector, particularly dominant Internet platforms, as requiring antitrust enforcement. The Executive Order also notes the need to address specific problems in the telecommunications sector because of a lack of adequate competition. Sections 2 and 4 of the Executive Order adopts a “whole of the government” approach to implement this competition policy, coordinated through a new White House Competition Council established within the Executive office of the President. Pursuant to Section 4(g) of Executive Order, the Chair of the Federal Communications Commission is invited to participate in the work of this Council, consistent with his/her statutory authorities and obligations. Directly relevant to this Quadrennial Review, Section 5(a)(i) directs all federal agency heads to pay “particular attention” to “the influence of any of their respective regulations, particularly any licensing regulations, on concentration and competition in the industries under their jurisdiction.” In this section of the Executive Order, the Chair of the FCC is encouraged to commence certain rulemakings and take other actions to promote competition in the telecommunications ecosystem. Although no specific mention is made of the Quadrennial Reviews, they fall within the broad scope of the FCC’s regulatory activities encompassed by the Executive Order.

As iHeart has stated throughout this proceeding, the NAB’s proposal to relax the FM radio ownership rules in the top 75 markets and eliminate them altogether in the remaining markets would open the door to significant competitive harms in local broadcast radio markets. By contrast, iHeart’s far more modest proposal to reform the local radio ownership rules, in recognition of the unique and critical importance of AM radio to local communities, public safety and national security, and the risk to AM radio posed by excessive deregulation of FM ownership limits, is far more consistent with the objectives articulated in the President’s

Executive Order. Acceptance of iHeart’s proposal offers the prospect of increasing competition in the broadcast radio market.

III. AM RADIO STATIONS CONTINUE TO SERVE AS VITAL SOURCES OF LOCAL NEWS AND PUBLIC SAFETY INFORMATION FOR MILLIONS OF AMERICANS, INCLUDING AS PILLARS OF OUR NATION’S PUBLIC SAFETY AND NATIONAL SECURITY COMMUNICATIONS INFRASTRUCTURE

In its Comments, iHeart discussed extensively the critical position that AM radio stations have in our nation’s public safety and national security communications infrastructure. In the past two years, increasing attention has focused on the peril to our national security posed by the spread of misinformation and disinformation through social media. Numbers of books, as well as articles and essays too numerous to count, have delved into this subject and its ramifications for our political system, culture, consumer consumption and the shared values that have been central to American identity.²⁸ Much of this scholarship and journalism has focused on the role that social media and other Internet-based platforms have played in circulating and recirculating misinformation or disinformation.²⁹

This concern about misinformation and disinformation circulated on social media and online generally has been reflected in several legislative initiatives that have supported local broadcast stations and newspapers precisely because they provide trusted, reliable and accurate information. For example, in December 2020, and with strong bipartisan, bicameral support, Congress included a provision in the “Fiscal Year 2021 Omnibus and COVID Relief and Response Act” to make local radio and television stations eligible to receive relief under the

²⁸ See, e.g. Charles Walker, *Social Warming: The Dangerous and Polarising Effects of Social Media*, One World Press (2021); Sinan Aral, *The Hype Machine*, Currency (2020).

²⁹ See, e.g., Kai Shu, Suhang Wang, Dongwon Lee, and Huan Liu, *Disinformation, Misinformation and Fake News in Social Media, Lecture Notes in Social Networks*, Springer (2020).

Paycheck Protection Program.³⁰ Senator Maria Cantwell (D-WA), a leader in this effort, emphasized the unique importance of local broadcasters as trusted sources of information, saying: “During this pandemic, local newspapers and broadcasters must continue to communicate vital COVID health data, including life-saving information about public health guidance, the vaccines and vaccine distribution. Local news is essential. It makes our communities-and our country-stronger by asking important questions, providing accurate facts, and countering misinformation and disinformation.”³¹

Additionally, as recently as July 2021, Senator Cantwell, Senate Finance Committee Chairman Ron Wyden (D-OR), and Senator Mark Kelly (D-AZ) introduced the Local Journalism Sustainability Act of 2021, which would provide tax credits to local radio and TV broadcasters (and local newspapers) that hire additional journalists, and to small businesses that advertise on local radio and television stations and local newspapers.³² In his statement on introduction of the bill, Senator Wyden stated: “The decline of local news has had devastating effects on our communities....Further, the decline of local news has only fueled the growth of misinformation as Americans lose their most trusted sources of information.”³³

Broadcast radio’s response to the COVID-19 national health crisis, once again with AM stations playing a critical role, exemplifies local radio’s commitment to provide listeners with the information they need to endure and survive a crisis. From the beginning of the scientific

³⁰ See, Fiscal Year 2021 Omnibus and COVID Relief and Response Act, Pub.L. No. 116-260, §317 (Dec. 27, 2021). While iHeart did not avail itself of this relief, PPP funds were a lifeline to many local broadcast stations impacted by the pandemic-driven drop in advertising revenues.

³¹ Press Release of Senator Maria Cantwell (December 21, 2021) https://www.cantwell.senate.gov/news/press-releases/local-news-outlets-made-eligible-for-relief-funds-to-keep-journalists-on-the-job-report-news_cantwell-ppp-fix-included-in-covid-stimulus-bill

³² Local Journalism Sustainability Act of 2021, S. 2434, 117th Congress (2021); See also, companion legislation introduced in the House (H.R. 3940) (2021).

³³ Press Release of Senator Ron Wyden (July 26, 2021) <https://www.wyden.senate.gov/news/press-releases/wyden-cantwell-kelly-introduce-legislation-to-revive-sustain-trusted-local-news>

recognition of the pandemic and the magnitude of its threat to the health of our people through the worst moments of this public health crisis and continuing today, broadcast radio has devoted a vast amount of its airtime to coverage of the pandemic. Local broadcast radio stations, with AM stations in the vanguard, have served as trusted sources of information for the communities they serve regarding COVID-19 testing locations, contact tracing, local hospital capacity and vaccination availability and sites.

An example of iHeart's commitment to addressing the challenges of the COVID-19 pandemic is iHeart's weekly, in-depth on-air program, iHeartRadio Communities, developed by WIOD-AM (Miami, FL), which is designed to keep listeners current with the latest developments in the pandemic and how best to protect themselves from the ravages of the disease. Since its launch in early 2021, this weekend special has featured an array of leading public and mental health officials and infectious disease experts. On January 1-2, the then United States Surgeon General focused on the surge in COVID-19 cases during the holiday season and precautions to take during family gatherings. On February 6-7, the FDA's Director of the Center for Biologics Evaluation and Research discussed the FDA approval process for the COVID-19 vaccines and how the FDA ensures safety and efficacy. On March 20-21, the focus shifted to the impact of COVID-19 on diverse populations, presented by the Director of the Office of Minority Health for the Centers of Medicare and Medicaid Services. Very recently, on July 31-August 1, the Surgeon General discussed the regionalization of outbreaks and the imperative of vaccination. In addition to airing locally on WIOD-AM, the station has made this program available to sister iHeart stations across the country to supplement their program offerings.

In addition to its pandemic-related, community focused news and information coverage, since March 2020, iHeart's local stations have run over 6 million free public service announcements relating to the COVID-19 crisis, with a total media value in excess of \$400 million.

Broadcast radio's responsiveness to listener demand for trusted news and information has only increased during the past two years, not only regarding COVID-related issues, but local emergencies, be they severe weather events and other natural disasters or other matters of heightened importance. AM stations have been at the forefront of this public service effort, and audience listening patterns reflect the public's trust in them and reliance upon them.

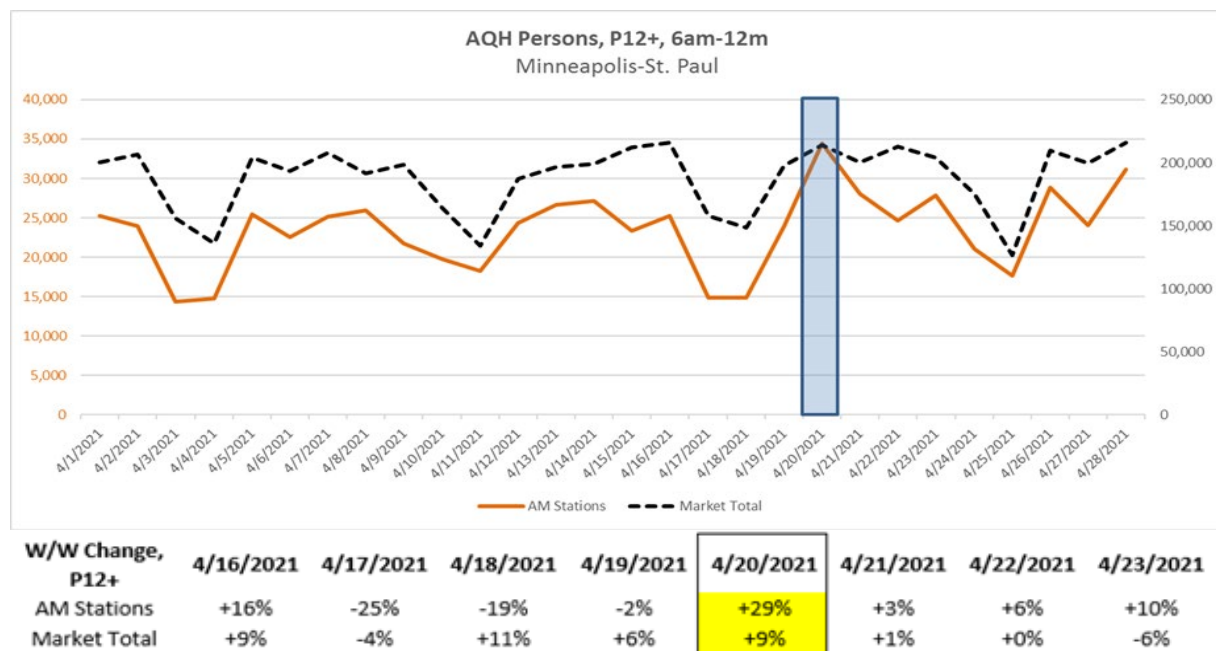
A very recent illustration of the mobilization of iHeart's broadcast radio resources to provide the most extensive and intensive information to local and regional listeners about a natural disaster was coverage of Hurricane Henri by WBZ, 1030 AM in Boston. As the hurricane approached on Sunday morning, August 22, 2021, WBZ reporters were in the field providing live, on-scene reporting of deteriorating conditions throughout the metropolitan area. Drawing on its partnership with WBZ-TV and Accu-Weather, WBZ-AM provided continuous storm tracking, advising listeners of where the hurricane posed the greatest threat to life and property in real time. As the storm track evolved throughout the night and the following day, WBZ extended its coverage from local to regional through a simulcast with WHJJ in Providence, Rhode Island, and WSNE-HD-2 in Taunton, Massachusetts, and to other stations on Cape Cod and western Massachusetts through iHeart's Premiere Networks Emergency channel. iHeart's reliance on local reporters with whom audiences were familiar imbued these broadcasts with a trustworthiness that encouraged listeners to seek safety.³⁴

³⁴ Even more recently, iHeart's WJBO Newsradio 1150 AM (Baton Rouge) and BIN 1280 AM (New Orleans) provided hyper-focused coverage of Hurricane Ida.

This commitment to providing 24/7 news coverage to events of special importance to local communities is reflected in listening data for those localities. In its Comments, iHeart provided illustrations of the spike in audience listening to its AM stations offering essential news and information in communities struck by natural disasters or profoundly affected by and other human tragedies.³⁵ During the two years since the Comments were filed, this pattern continued.

As depicted in the graph below, an analysis of broadcast radio listening in the Minneapolis market during the trial of Derek Chauvin for the murder of George Floyd shows a dramatic spike in listening to AM radio stations in that market on the day the jury rendered its verdict.

Derek Chauvin verdict announcement (4/20/2021)



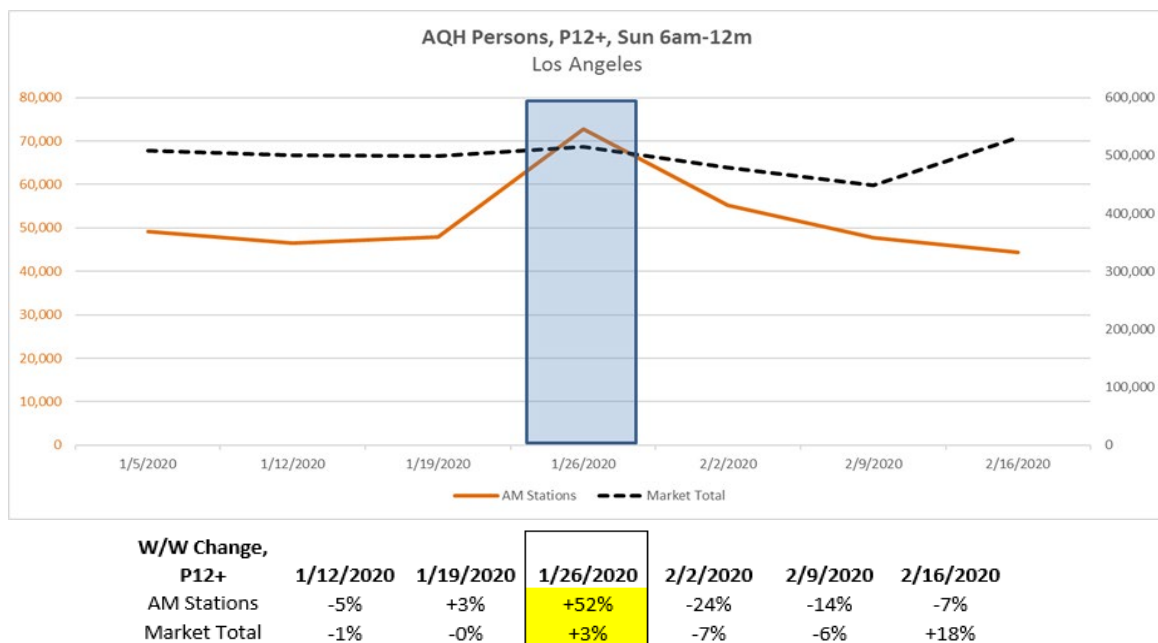
On the day of the verdict, AM listening, measured by average quarter hours (AQH) for persons 12 years and older from 6:00 am to midnight, surged by 29 percent over the comparable

³⁵ See, iHeart Comments at 20-23.

period the week before while total broadcast radio listening only grew by 9 percent. Of course, the days leading up to the jury verdict were marked by widespread anxiety about the outcome and apprehension about the potential reaction to it. These data track earlier analyses in iHeart's Comments reflecting listeners' preference to get news that really concerns them from AM stations.

Another example of listeners' reliance on the AM band for local news and information that profoundly impacts them even though it does not carry a threat of imminent personal danger is the reaction in the Los Angeles market to the tragic death of Kobe Bryant in a helicopter crash. The graph below shows the dramatic spike in AM listening relative to the same day of the week, Sunday, the previous week.

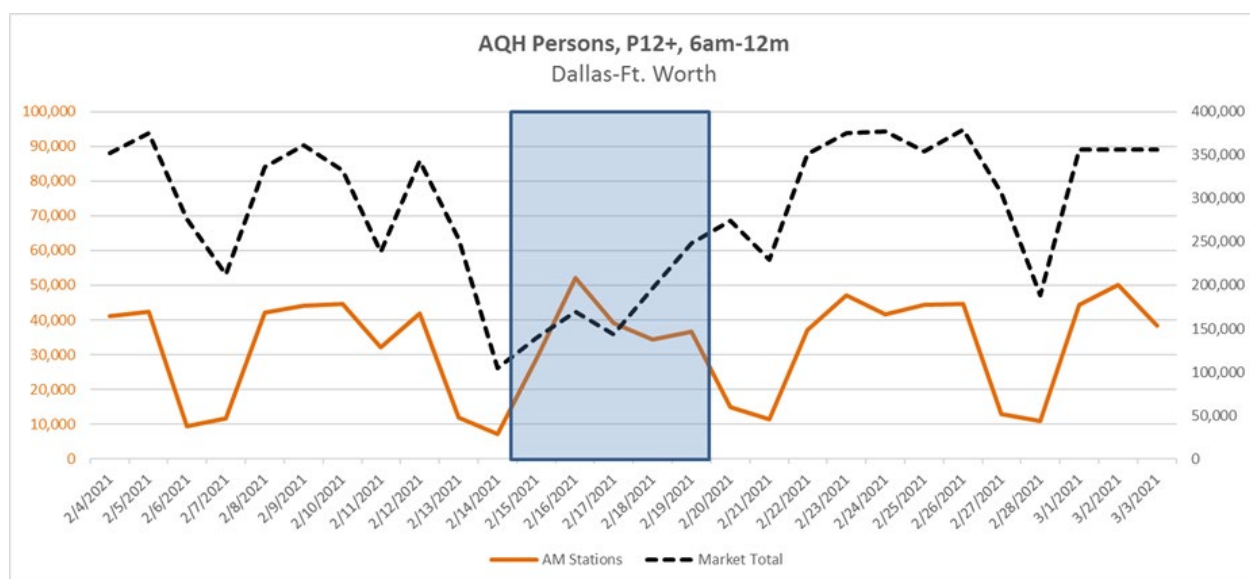
Death of Kobe Bryant Announced (1/26/2020)



Although total radio listening in the LA market was up only 3 percent over the previous Sunday, listening to the AM band soared by 52 percent.

The same phenomenon is observed in the case of recent weather-related crises that pose imminent danger to local residents. When the crippling freeze gripped the state of Texas in February 2021, AM stations in all of the major markets - Dallas, Houston, San Antonio and Austin - experienced sharp increases in listening share relative to the previous week. As depicted graphically below, the most striking example occurred in the Dallas market where AM stations' share of audience listening, measured by share of AQH for persons 12 years and older from 6:00 am to midnight, nearly tripled over AM stations' typical share of the market on February 16, 2021, and significantly exceeded its typical market share during the most critical period.

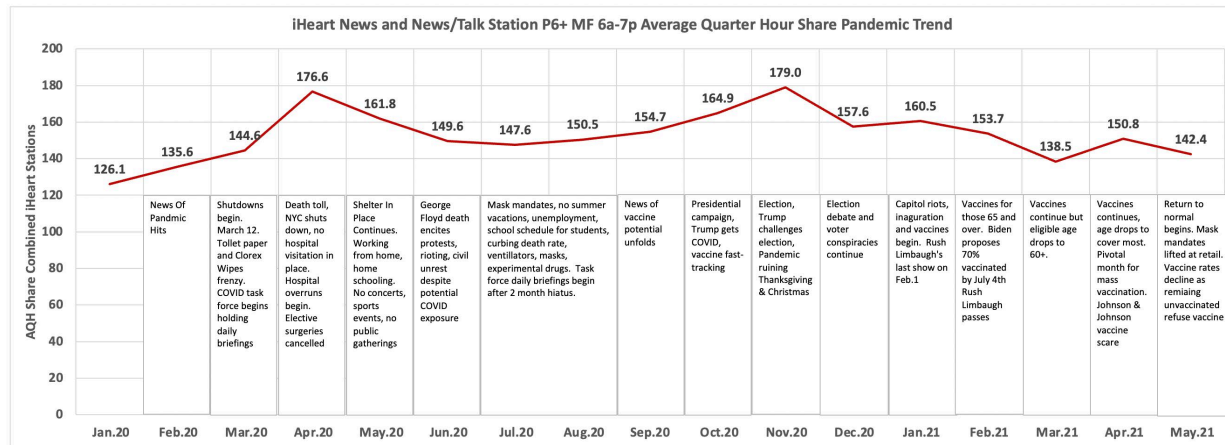
Texas Freeze (2/14-21/2021)



P12+, 6a-12m	2/14/2021	2/15/2021	2/16/2021	2/17/2021	2/18/2021	2/19/2021	2/20/2021	2/21/2021
AM Stations (W/W Ch.)	-38%	-32%	+18%	-12%	+7%	-13%	+26%	+60%
Market Total (W/W Ch.)	-51%	-58%	-53%	-57%	-18%	-28%	+8%	+119%
AM Share	6.9	20.6	30.7	27.3	17.5	14.7	5.5	5.0

An analysis performed by iHeart of national audience listening to its News and News/Talk stations demonstrates that the reliance on AM radio stations in times of extraordinary national concern mirrors the pattern found where intensely felt concerns are local. The graph below tracks listening during 2020.

iHeart News and News/Talk Station Listening (1/20-5/21)



During 2019, the audience listening data was reasonably constant and consistent with the starting point shown on the graph in January 2020. Thereafter, there was a steady rise in AM listening in the several months following the initial reports of the COVID-19 pandemic, followed by a sharp spike in April 2020, coinciding with dire pandemic-related news coming out of New York, including the lockdown and hospitals over capacity and therefore incapable of treating patients. AM radio listening continued at an elevated rate during the pandemic relative to pre-pandemic levels. It surged sharply in November 2020, to the highest levels of the year, reflecting the overlay of the Thanksgiving surge in COVID-19 cases and the drama and turbulence surrounding the Presidential election.

The indispensable role played by AM radio stations in our nation's information ecosystem also continues to be supported by examining the number of news stations nationwide on the AM Band relative to the total of news stations. As was the case when iHeart filed its Comments more than two years ago,³⁶ today the clear majority of news formatted stations, roughly 65 percent, are AM stations,³⁷ That figure is slightly greater than the 61 percent several

³⁶ See, iHeart Comments at 25.

³⁷ BIA Media Access Pro (July 2021).

years ago. The disparity between the AM and FM band in terms of Spanish language, news formatted stations is similar to what it was when iHeart filed its Comments. Approximately 94 percent of them are AM stations.³⁸

As discussed in our Comments in this proceeding, the Federal Emergency Management Agency (FEMA) relies heavily on AM radio stations as Primary Entry Point (PEP) stations that comprise the backbone of its National Public Warning System (NPWS).³⁹ FEMA investments in the building, expanding and maintenance of the NPWS PEP network, which FEMA describes as a “critical lifeline during the most extreme or severe types of events,” have reached approximately \$100 million to date and continue to grow, including with recent upgrades at iHeart AM stations serving Orlando (540 WFLF) and Boston (1030 WBZ).⁴⁰

The continued paramount importance of AM radio stations to the robustness and accuracy of our country’s information communications infrastructure is even greater than it was two years ago when the public had greater trust in the information it was receiving. Under these circumstances, it is all the more essential that the outcome of this proceeding be to preserve the economic viability and vitality of the AM band. For the reasons stated in iHeart’s Comments,⁴¹ and Reply Comments,⁴² adoption of the NAB’s proposal regarding local ownership limits on FM stations has the potential to worsen dramatically the competitive position of AM radio stations in relation to FM stations, threatening a mass flight from the AM band. Such a result would be the

³⁸ Id.

³⁹ iHeart Comments at 19-20 (citing Comments of FEMA in MB 13-249, In the Matter of Revitalization of the AM Radio Service, Notice of Proposed Rulemaking, 28 FCC Rcd 15221 (2013), at 1).

⁴⁰ Federal Emergency Management Agency, FY 2021 Congressional Budget Justification, at 13 https://www.dhs.gov/sites/default/files/publications/federal_emergency_management_agency.pdf. See also, Primary Entry Point (PEP) Station, Integrated Public Alert and Warning System, FEMA (Oct. 24, 2019) <https://www.youtube.com/watch?v=xkImese5858>

⁴¹ iHeart Comments at 29-36.

⁴² See, iHeart Reply Comments at 24-27.

opposite of the statutory command to consider carefully the impact on competition of changes to the broadcast ownership rules.

IV. EVENTS OF THE PAST TWO YEARS HAVE NOT ALTERED THE COMPETITIVE DISADVANTAGE THAT AM STATIONS CONFRONT IN RELATION TO FM STATIONS AND THE CONSEQUENT NEED TO AVOID HARMING THE AM BAND

There can be little question that the negative impact of the COVID-19 impact was severe for most sectors of the American - and, indeed, the global – economy. Broadcast radio was no exception. The economic freefall throughout much of our nation for several months in 2020 was unprecedented, driven by restrictions on business operations and severely reduced consumer activity (and their consequent spending). The resulting dramatic decline in local advertising and car-based radio listening had a direct, adverse impact on broadcast radio. In 2021, especially in the second quarter, broad, economy-wide indicators point to a reasonably robust economic recovery in the United States, although much uncertainty remains due to the recent uptick in COVID-19 infections associated with the delta variant and other macroeconomic factors. While there are promising signs that broadcast radio also is rebounding, at this time there does not exist sufficiently reliable quantitative data to predict the size or shape of the recovery in the broadcast radio market. Therefore, iHeart suggests that it would be unwise for the Commission to rest its decision in this proceeding either on the data available for 2019 and 2020, which we expect will be an aberrational period, or on predictions about the future. Consequently, iHeart urges the Commission to rely principally on the quantitative competitive data contained in iHeart's Comments and Reply Comments in reaching its decision regarding local radio ownership limits. With the above caveat in mind, and to be responsive to the Commission's request to refresh the record, iHeart submits the following data and related analysis.

The national audience reach of broadcast radio was in the 86 to 88 percent range for the fourth quarter of 2020, depending upon which measure of Nielsen data is used.⁴³ Although this figure represents a modest decline from the data relied upon by the Commission in the NPRM initiating this proceeding, it continues to validate the conclusion that broadcast radio remains the information medium with the largest national reach. As of the end of 2018, the number of AM radio stations on the air was 4,619. As of June 30, 2021, it had declined to 4,533, a loss of 86 stations.⁴⁴ The number of commercial FM stations on air also declined, from 6,754 to 6,681, a loss of 73 stations, but proportionally, AM witnessed an almost 50 percent higher decline.⁴⁵ This high-level measure confirms the trend observed at the end of the original comment period, showing that, at least at the margins, AM stations are at greater risk of going off air than FM stations.

More precise measurements of the impact of the COVID-19 pandemic on the relative competitive positions of AM and FM radio stations are evidenced by a more granular analysis of audience listening and advertising revenue. Measured by weekly cume (the total number of persons listening to a station for at least five minutes during a daypart in a week), AM audience listening declined from 54.3 million in September 2018, to 44.1 million in June 2021,⁴⁶ a drop of roughly 19 percent. Using the same metric, FM audience listening in the same period fell from 231.1 million in September 2018 to 211.8 in June 2021, a decline of eight percent.⁴⁷ An alternative measure of audience listening, average quarter hour persons (“AQH” - the average

⁴³ The weekly reach for A18+221mm was 88 percent while for P12+ 240mm, it was 86 percent. Nielsen Total Audience Report, 4th Quarter 2020. Note: The Commission has cited national reach, a broad measure of the number of Americans exposed to broadcast radio whether they were actively listening or not, in this proceeding. See, NPRM at Para. 3.

⁴⁴ FCC News Release, Broadcast Station Totals as of June 30, 2021 (July 12, 2021).

⁴⁵ Id.

⁴⁶ Nielsen RADAR Reports 138 and 149, respectively.

⁴⁷ Id.

number of persons listening to a particular station for at least five minutes during a 15 minute period), shows that AM listening dropped from 2.6 million in September, 2018 to 2.3 million in June 2021, a decline of about 12 percent while FM listening declined from 19.4 million in September, 2018 to 15.6 million in June 2021, a drop of about 20 percent.⁴⁸

Both measurements show a decline in audience listening for both AM and FM during the pandemic, an entirely predictable result given the precipitous drop in driving, especially notable during the last nine months of 2020 and continuing into early 2021. A significant amount of radio listening occurs during commuting to work and driving children back and forth to school. Utilizing the weekly cume measure, AM radio listening decreased more dramatically than FM listening during this period, continuing the negative trend documented in iHeart's Comments in this proceeding for the period September 2010 to September 2018.⁴⁹ Analyzing audience listening through the AQH lens, FM listening experienced a steeper decline than AM listening over the entire period, but a deeper dive into the data is more revealing. During the pre-pandemic portion of the period subsequent to submission of the Comments and Reply Comments in this proceeding, the market share of AM to total radio listening dropped to 11.5 percent, a historic low.⁵⁰ As the pandemic emerged and its effects became more pronounced, FM listening dropped more sharply than AM, most likely due to the confluence of FM audiences tending to do more in-car and at-work listening and the relative increase in AM listening during times of crisis and emergency, illustrated in detail above.⁵¹

⁴⁸ Id.

⁴⁹ See, iHeart Comments at 15-17.

⁵⁰ Nielsen RADAR Report 145.

⁵¹ The Nielsen RADAR reports are rolling averages over a twelve-month period. Thus, the impact of the pandemic is not captured fully until the RADAR reports for March 2021.

In sum, the updated audience listening data confirm the precarious competitive position of AM radio stations relative to their FM counterparts. That is especially clear when the aberrational effects of the pandemic are factored into the analysis. Adoption of the NAB proposal would only exacerbate that competitive disadvantage, foreseeably with disastrous impact on AM radio relied upon so heavily by listeners in times of great local and national stress.

Advertising revenue also is a fundamental barometer of the relative competitive positions of AM and FM radio stations. From the end of 2018 to the end of 2020, both AM and FM stations experienced a strong decline in advertising revenue, roughly 24 percent each.⁵² Again, this metric would tend to mirror the macroeconomic effects of the pandemic. While there are hopeful signs of a recovery in advertising revenue for broadcast radio based upon the broader economic recovery earlier this year, the uncertainty is simply too great at this time for the Commission to base its decision in this proceeding on predictive judgments.

In short, the pandemic appears to have had little, if any, effect on the relative competitive positions of AM and FM stations in the relevant broadcast radio market. AM stations continue to be at a marked competitive disadvantage. The impact of allowing common ownership of all FM stations in markets 75 and above, and/or substantially increased common ownership in the top 75 markets, could be as catastrophic as iHeart articulated in its Comments and Reply Comments.

Both the National Association of Black Owned Broadcasters (NABOB) and the Leadership Council on Civil and Human Rights voiced the same concern. In its May 31, 2019 filing, NABOB wrote:

⁵² BIA Media Access Pro (July 2021).

[I]f the larger companies are allowed to own eight or ten FM stations in the largest markets, those companies will abandon AM radio to increase their ownership of FM stations. This would result in decreased investment in AM radio and would undermine the Commission's AM revitalization efforts. A flight of capital from AM radio would devalue all AM radio stations and could result in the loss of the financial underpinning of current AM station owners.⁵³

Citing NABOB's Reply Comments, the Leadership Council connected the dots between the likely disastrous effects on the AM band were the NAB's proposal to be adopted and the barriers to increased minority ownership: "The record demonstrates that consolidation is not the solution to the lack of diverse ownership...and will only increase barriers to owning a broadcast station."⁵⁴

V. THE COMMISSION SHOULD GIVE THE INCUBATOR PROGRAM A MEANINGFUL OPPORTUNITY TO SUCCEED AS THE MOST REASONABLE MEANS TO INCREASE OWNERSHIP DIVERSITY IN THE NEAR TERM

A. The Incubator Proposal Has Not Had Sufficient Opportunity To Demonstrate Its Utility As A Means To Increase Ownership Diversity

As discussed in detail in its Comments in this proceeding, iHeart has been a leading proponent of increasing ownership diversity in the broadcast radio industry for more than 20 years.⁵⁵ Specifically, as far back as the 2006 Quadrennial Review, we advocated for adoption of an Incubator Program "to provide incentives for existing broadcasters to share their talent, experience, and financial resources, while at the same time promoting new entry."⁵⁶ However, as discussed in detail in Section II.A. of these Supplemental Comments, the marketplace simply has not had the time to determine whether the Incubator Program can fulfill its promise to enhance

⁵³ May 31, 2019 ex parte letter NABOB at 1.

⁵⁴ Reply Comments of the Leadership Council on Civil and Human Rights (September 5, 2019) at 3.

⁵⁵ iHeart Comments at 33-36.

⁵⁶ 2006 Quadrennial Regulatory Review, Reply Comments of Clear Channel Communications, Inc. (January 16, 2007) at 56.

ownership diversity. Although the Commission adopted the Incubator Program in August 2018, the rules did not become effective until more than ten months later, in June 2019, because of the necessity of OMB approval pursuant to the Paperwork Reduction Act. Only slightly more than six months elapsed before the United States Court of Appeals for the Third Circuit vacated the FCC's Order creating the Incubator Program. That remarkably short period of time likely was insufficient to permit people of color and women who aspired to own broadcast radio properties to explore its potential with radio station owners, much less complete the process for implementing transactions under the program. Only within the last two months, following the Supreme Court's decision reversing the Court of Appeals and the Commission's reinstatement of the Incubator Program (effective June 30, 2021), have hopeful minority and women owners of broadcast properties and current radio station owners had the green light to take advantage of the Incubator Program. In fact, no applications for the Incubator Program have been filed to date.

The Incubator Order was the culmination of more than a decade of painstaking work by MMTC, NABOB, other public interest groups and many radio broadcasters to create a program that could increase minority and female ownership of broadcast properties. Implicit in the Supreme Court's decision, the Incubator Order was reasonable and reasonably explained.⁵⁷ The Incubator Program deserves a meaningful opportunity to work. The events of the last year further highlight racial disparities in the United States that make it all the more important that some progress be made quickly toward increasing broadcast ownership diversity. Pending reinstatement of the minority tax certificate program, which iHeart strongly supports, the

⁵⁷ FCC v. Prometheus Radio Project, *supra*, n.4.

Incubator Program offers the best opportunity to make tangible progress toward this objective now.⁵⁸

B. Adoption of the NAB Ownership Proposal Would Undermine the Incubator Program

In its Order establishing the Incubator Program, the Commission explicitly recognized the link between the local ownership rules and the Incubator Program: “We anticipate that the inducement of a waiver of the Commission’s Local Radio ownership Rule will provide sufficient incentive for incumbent broadcasters to participate in the program.”⁵⁹ The NAB has proposed that existing radio station owners be permitted to own up to eight FM radio stations in the same market in the top 75 markets, up from five under the current common ownership limits, and own an unlimited number of stations in all remaining markets. *Thus, for all but the top 75 markets, the incentive to incubate a minority or female owned station disappears altogether because there no longer is a need to obtain waivers from the ownership rules.* Regarding the top 75 markets, if a radio station owner wishes to take full advantage of the limits that the NAB is proposing, the incentive to incubate will be dramatically reduced, and it is highly doubtful that they will then have the additional resources and capital to incubate a minority station.

The adverse impact of severely undercutting the Incubator Program on the ultimate goal of increasing substantially minority and women ownership of broadcast stations is even greater when one considers the economic and social impact of the pandemic upon communities of color and women. Even before the pandemic, lack of access to capital has been identified as one of the most important barriers to entry confronting minority and women entrepreneurs seeking to own broadcast stations. In a “Historical Study of Market Entry barriers, Discrimination and Changes

⁵⁸ See, Expanding Broadcast Ownership Opportunities Act, H.R. 4871, 117th Congress (2021); and Broadcast Varied Ownership Incentives for Community Expanded Services Act, S. 2456, 117th Congress (2021).

⁵⁹ Incubator Order at Para. 13.

in Broadcast and Wireless Licensing, 1950 to the Present,” prepared for the Office of General Counsel of the FCC in December 2000 by the Ivy Planning Group, LLC (“Ivy Planning Group Study”), the authors concluded: “Access to capital was clearly the most common and pervasive barrier to entry cited by participants in our study, both among licensees, as well as by most every key market participant (broker, lender, other intermediaries). In a market where access to capital is a critical component for entry and growth, lack thereof basically puts you out of the game.”⁶⁰ In her statement praising the introduction of the minority tax certificate bills in the 117th Congress, FCC Acting Chairwoman Rosenworcel observed that improving access to capital remains essential today if we are to achieve increased diversity of ownership: “Fixing the lack of diversity in media ownership has to include access to resources and capital. That’s why Congressman Butterfield’s legislation is spot on.”⁶¹

The economic fallout from the pandemic has disproportionately affected minority-owned small businesses.⁶² The need for capital flows into these communities and to assist women in reestablishing the critical role that they played in the economy pre-pandemic may be greater than at any time in recent history. Given these competing and arguably higher priority demands for capital, access to capital for purposes of minority and female acquisition of broadcast radio properties is likely to be even more limited than previously. Under these circumstances, the Incubator Program assumes even greater importance as a vehicle for increasing diversity of ownership. If the Commission were to adopt the NAB proposal, it would also do real harm to the long term and ultimate objective of increasing minority and women ownership.

⁶⁰ Ivy Planning Group Study at 18.

⁶¹ Press Release of Representative G. K. Butterfield (August 4, 2021) <https://butterfield.house.gov/media-center/press-releases/congressman-butterfield-reintroduces-bill-to-increase-minority-broadcast>

⁶² See, e.g., Federal Reserve Bank of Cleveland Report, “An Uphill Battle: COVID-19’s Outsized Toll on Minority-Owned Firms,” October 8, 2020.

VI. iHEART'S CREATION OF THE BLACK INFORMATION NETWORK IS AN IMPORTANT NEW DEVELOPMENT HIGHLIGHTING THE CONSTRUCTIVE ROLE THAT RADIO STATIONS, ESPECIALLY AM STATIONS, PLAY IN SERVING THE PUBLIC INTEREST

In the Public Notice, the Commission asked commenters to document innovation or other significant steps that have occurred in the past two years.⁶³ In 2020, despite much of our workforce working from their homes and the financial pressures created by the economic fallout of the pandemic, iHeart launched the Black Information Network (BIN). This major initiative had been in the planning stages well before the reawakening of profound concern about the role of race in our society following the murder of George Floyd. BIN represents an innovative and impactful use of the broadcast radio infrastructure, particularly AM radio stations, to serve the public interest.

BIN is a national, audio news network designed to serve as an accurate, trusted source of round the clock news and information programming with a Black voice and perspective. Not only does it provide a service of special appeal to the Black community, but it also provides a window through which others outside that community can develop greater understanding, essential to improving race relations in this country. Since its launch, the network has covered, among its principal topics, the effects of the COVID-19 pandemic on the Black community with particular emphasis on vaccine awareness, the role of Historically Black Colleges and Universities (HBCUs), the place of the Black church and Black spirituality, social justice movements and criminal justice reform, and political developments of particular import to Black voters.

iHeart believes that the people who interface with the audience as well as the management leaders are critical to establishing the credibility of BIN within the Black

⁶³ Public Notice at 4.

community. Consequently, iHeart has promoted from within its ranks and hired or otherwise collaborated with some of the most respected Black talent and influencers in our country. The president and entire senior management staff of BIN are Black professionals who have amassed, in the aggregate, decades of distinguished experience in broadcast operations, content creation, programming, news operations, community engagement and sales.

Most relevant to this proceeding, the platform for distribution of BIN currently includes more than 30 local radio stations, the majority of which are AM stations. Each of these local radio stations serve communities large and small that have large Black populations (either in real numbers or as a percentage of their population), ranging from such urban centers as New York City (1600 WWRL), Atlanta (640 WBIN) and the San Francisco Bay Area (910 KKSF); to smaller and rural communities such as Greenville, SC (1440 WGVL) and Macon (1670 WMGE); to Midwest communities in Dayton (1340 WIZE) and Columbus, OH (1230 WYTS).⁶⁴ These local radio stations have been either purchased, leased or reformatted specifically to provide content furnished by BIN on a 24/7 basis. In practical terms, iHeart has gone to great expense and in many cases loss of anticipated revenue by changing the old formats, replacing them with the news and information provided by the Black Information Network. And while an audio network, BIN's local stations also provide news and information of specific relevance to the communities they serve, including from a growing number of Black journalists hired for this important work. Thus, iHeart's Black Information Network, and its utilization of AM stations, is a significant positive contributor to both viewpoint diversity and localism, two of the three criteria for determining whether the Commission should retain, modify or repeal its local radio ownership rules.

⁶⁴ Additional information about BIN, including a list of local stations, can be found at <https://www.binnews.com/>

VII. CONCLUSION

Events during the period subsequent to the closing of the original comment period in this proceeding reinforce the positions taken by iHeart in our Comments and Reply Comments. The paramount importance of AM radio stations to localism, the trustworthiness of our nation's communications and information infrastructure, and the continuing financial disparity between AM and FM stations in the relevant broadcast radio market warrant that the existing local radio common ownership limits be eliminated for AM stations but retained for FM stations. Furthermore, the Commission should retain the Incubator Program, giving it the opportunity to succeed that the last two years did not provide. Adoption of these recommendations by the Commission will ensure that it will do no harm and may do a great deal of good.

Respectfully submitted,

iHeartCommunications, Inc.

By: /s/ Jessica Marventano
Jessica Marventano, Esq.
Senior Vice President, Government Affairs
iHeartMedia, Inc.
419 7th Street, NW, Suite 500
Washington, DC 20004
202-289-3225
JessicaMarventano@iheartmedia.com

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